

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER BOYD McILWAIN,
ALEJANDRO BARRAGAN,
RICHARD DENNIS MILLER,
CHARLES CLAY WINANS,
BRANDON LEE PENN, and
JOSE MENDOZA,

Defendants.

NO. CR05-5504FDB

ORDER GRANTING
CONTINUANCE OF TRIAL
AND RELATED DATES

THIS MATTER comes on before the Court on the motion to continue the trial date raised by counsel for defendant's Brandon Lee Penn, Walter Boyd McIlwain, Alejandro Barragan, Richard Dennis Miller, Charles Clay Winans and Jose Mendoza. The defendant's counsel having agreed to the continuance as well as counsel for the government, the court finds that:

1. The trial in this matter is scheduled for September 6, 2005, at 9:00 a.m. The pretrial cut off date was set at August 1, 2005, and the pretrial conference was scheduled for August 17, 2005.

2. Discovery was not received until August 1, 2005, there is a need for substantial investigation. Counsel will need time to prepare for trial and all counsel agree that to be adequately prepared, the trial date and the pre-trial motions date and conference dates should be extended.

1 3. The defendant's understand that to be adequately represented that a continuance is
2 necessary.

3 4. The government consents to the continuance.

4 5. The ends of justice outweigh the best interests of the public and the defendant to a
5 speedy trial. Failure to grant the continuance would deny counsel for Defendant's adequate time
6 to effectively prepare for trial.

7 NOW, THEREFORE,

8 IT IS HEREBY ORDERED that the trial date is continued from September 6,
9 2005 to December 5, 2005. The resulting period of delay from September 6, 2005, up to
10 and including the new trial date of December 5, 2005, is hereby excluded for speedy trial
11 purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

12 Pretrial motions are due no later than September 14, 2005.

13 DATED this 16th day of August, 2005.
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15

16 /s/ Franklin D Burgess
17 FRANKLIN D. BURGESS
18 United States District Judge
19

20 Presented by:

21 s/ Gregory A. Gruber
22 GREGORY A. GRUBER
23 Assistant United States Attorney

24 /s/ Roger A Hunko
25 Roger A Hunko
Attorney for Defendant

26 /s/ Linda R Sullivan
27 Linda R Sullivan
Attorney for Defendant
28

1 /s/ Charles A Johnston
Charles A Johnston
2 Attorney for Defendant

3 /s/ Keith Alexander MacFie
Keith Alexander MacFie
4 Attorney for Defendant

5 /s/ Michael Edward Schwartz
Michael Edward Schwartz
6 Attorney for Defendant

7 /s/ Phil L Brennan
Phil L Brennan
8 Attorney for Defendant